

GREGORY T. CASAMENTO (GTC-5273)
LOCKE LORD BISSELL & LIDDELL LLP
885 Third Avenue
New York, NY 10119
(212) 947-4700
(212) 947-1202 (fax)

JOHN T. WILLIAMS (JTW-9928)
LOCKE LORD BISSELL & LIDDELL LLP
111 S. Wacker Drive
Chicago, IL 60606
(312) 443-0371
(312) 896-6371 (fax)

*Attorneys for Defendant
Mouawad USA, Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
VAN CLEEF & ARPELS, S.A.,
VAN CLEEF & ARPELS, INC., and
VAN CLEEF & ARPELS DISTRIBUTION, INC.

07-CV-11476 (SAS)

Plaintiffs,

**MOTION TO DISMISS
COMPLAINT OF DEFENDANT
MOUAWAD USA, INC.**

vs.

HEIDI KLUM GmbH and
MOUAWAD USA, INC.

DISPOSITIVE MOTION

Defendants.
----- X

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Mouawad USA, Inc. ("Mouawad") moves for an Order dismissing the Complaint herein because the Complaint fails to state a claim upon which relief can be granted (Fed. R. Civ. P. 12(b)(6)).

A Memorandum in Support of this Motion is being simultaneously filed herewith by Mouawad.

Date: March 31, 2008

s/John T. Williams

GREGORY T. CASAMENTO (GTC-5273)
LOCKE LORD BISSELL & LIDDELL LLP
885 Third Avenue
New York, NY 10119
(212) 947-4700
(21) 947-1202 (fax)
gcasamento@lockelord.com

JOHN T. WILLIAMS (JTW-9928)
LOCKE LORD BISSELL & LIDDELL LLP
111 S. Wacker Drive
Chicago, IL 60606
(312) 443-0371
(312) 896-6371 (FAX)
jwilliams@lockelord.com

*Attorneys for Defendant
Mouawad USA, Inc.*

CERTIFICATE OF SERVICE

I, John T. Williams, hereby certify that on this 31st day of March, 2008, a copy of the foregoing **MOTION TO DISMISS COMPLAINT OF DEFENDANT MOUAWAD USA, INC.** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/John T. Williams